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SPECIAL SENATE INVESTIGATION ON CHARGES
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN
G. ADAMS, H. STRUVE HENSEL AND SENATOR
JOE McCARTHY, ROY M. COHN, AND
FRANCIS P. CARR

HEARING
BEFORE THE
SPECIAL SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE
EIGHTY-THIRD CONGRESS
SECOND SESSION
PURSUANT TO
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FRIDAY, MAY 7, 1954

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

The subcommittee met at 10:45 a. m., pursuant to recess, in the Caucus Room of the Senate Office Building, Senator Karl E. Mundt, chairman, presiding.

Present: Senators Karl E. Mundt, Republican, South Dakota; Everett McKinley Dirksen, Republican, Illinois; Charles E. Potter, Republican, Michigan; Henry C. Dworshak, Republican, Idaho; John L. McClellan, Democrat, Arkansas; Henry M. Jackson, Democrat, Washington; and Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; and Ruth Y. Watt, chief clerk.

Principal participants: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Francis P. Carr, executive director of the subcommittee; Hon. Robert T. Stevens, Secretary of the Army; John G. Adams, counselor to the Army; Joseph N. Welch, special counsel for the Army; John D. St. Clair, special counsel for the Army; and John A. Wells, Esq., counsel to H. Struve Hensel, Assistant Secretary of Defense.

Senator MUNDT. The committee will come to order, please.

May the Chair remind our guests in the audience, because we have some guests, I am sure, this morning and each afternoon who have not been here before, that you are welcome to be here. We are happy to have you hear the processes of congressional operation, but we want you to know that there is a standing rule of the committee that there are to be no manifestations of approval or disapproval of any kind at any time from the audience. The officers in the room have been instructed to politely escort from the room anybody who violates the conditions on which he entered the room; namely, that he would comply with the committee regulation against manifestations of approval or disapproval.

This afternoon at 3 o'clock in the office of Mark Trice, the Chair is calling an executive committee meeting for purpose primarily of getting approval for the program which has been worked out for bringing before our counsel the monitored telephone conversations which we have been discussing. The executive committee meeting, as all executive committee meetings, will be open for any other discussion that any member of the committee wants to bring up.

The Chair suggests that the reporters have a man outside the office of Mark Trice's waiting room in the event one is needed—not the newspaper reporters; I am talking about the hearing reporters. I know I do not have to alert the newspaper reporters. The Chair also suggests that counsel for all parties be available in the event that they might want to be called, or representatives of counsel for all parties.

Mr. Counsel, you had an announcement to make about a change in counsel, I believe, for Mr. Hensel this morning.

Mr. JENKINS. Mr. Chairman, I have an announcement to make with respect to a temporary change. Mr. Fred Bryan, representing Mr. Hensel, is detained this morning on prior commitments. Substituting in his place this morning is the distinguished looking gentleman at the end of the table, Mr. John A. Wells.

Senator MUNDT. Mr. Wells.

Mr. JENKINS. Of the New York bar.

Senator MUNDT. Thank you very much.

We are ready to begin, I think, with the interrogatories. The Chair would like to say that he has been advised unofficially, but he is glad to get advice at least from Senator McCarthy and Mr. Cohn, that they hope to be able to conclude their questioning of Mr. Stevens this morning. They may have some written interrogatories to submit later, depending upon how fast we progress with the questions and answers. They each have conveyed to me, and I convey to you, their hope that they can conclude with him this morning. They will make a bona fide effort in that direction.

Senator McCarthy.

Senator McCARTHY. That is absolutely correct. May I say we are going to try and make every effort to conclude the questioning of Mr. Stevens at this time. Our success will depend somewhat upon the length of the answers Mr. Stevens makes and whether or not they are responsive. May I say, Mr. Chairman, what we decided to do—in going over the record we have found so many questions unanswered, questions asked over and over, I felt that we would gain nothing by asking those questions over again in this session.

I thought what we should do in order to shorten the time is to write out the questions, give them to Mr. Stevens, let him take them back to his office and then come back here and answer them. By that I do not mean answer them by a written statement by his staff, but answer them from his own memory at that time after he has had a chance for a day or 2 days or 3 days or 5 days—as much time as he wants—to go over the questions which up to this time are still unanswered. I am sure that would be agreeable to everyone concerned.

Senator MUNDT. I think that might be a device for expediting the processes because sometimes, of course, the Secretary is unable to recall; and if he had a chance to refresh his memory, he could testify to the questions.

Mr. Counsel, we will start with you if you have any questions at this time.

Mr. JENKINS. I have no further questions.

Senator MUNDT. The Chair has none.

Senator McClellan?

Senator McCLELLAN. No questions.

Senator MUNDT. Any of the Senators to my right or left?

Mr. Welch, Senator McCarthy, or Mr. Cohn?

TESTIMONY OF THE HON. ROBERT T. STEVENS, SECRETARY OF THE ARMY—Resumed

Senator McCARTHY. Mr. Stevens, did Mr. Adams have authority to give any newsmen or anyone a preview of the charges that you were to make against my staff and me?

Secretary STEVENS. No, sir.

Senator McCARTHY. In other words, if the testimony develops that Mr. Adams gave any individual several weeks before the Potter letter, a look at all of the Army charges, that would be a violation of Mr. Adams' orders?

Secretary STEVENS. It would be a independent action on Mr. Adams' part.

Senator McCARTHY. I know it would be very independent, but would it be a violation of his orders?

Secretary STEVENS. I don't think there were any orders out of any kind on it.

Senator McCARTHY. Would you approve if it developed that Mr. Adams, several weeks before any Senators or Congressmen received the charges, if he gave the charges in toto to a leftwing newsmen and discussed the matter with him?

Secretary STEVENS. As I think I have said, Senator McCarthy, I am against leaks. I don't favor them.

Senator McCARTHY. In other words, you would be very much against that, wouldn't you?

Secretary STEVENS. Yes; I don't like that.

Senator McCARTHY. Do you know that a man called Alsop testified this morning?

Secretary STEVENS. No, sir, I didn't.

Senator McCARTHY. Do you know that he testified in regard to his discussions with Mr. Adams, that he was under oath?

Mr. WELCH. Mr. Chairman, if he doesn't know he testified, he couldn't know what he testified to.

Senator MUNDT. The objection is sustained. I think that is correct.

Senator McCARTHY. Had you heard that Mr. Alsop testified?

Secretary STEVENS. No, sir.

Senator McCARTHY. Had your counsel discussed that with you?

Secretary STEVENS. No, sir.

Senator McCARTHY. If Mr. Alsop has testified under oath that Mr. Adams showed him all of the charges and that he and Mr. Alsop discussed the matter, Alsop urged that the charges be made public, I assume you have no way of questioning the accuracy of my question?

Mr. WELCH. Objection.

Senator McCARTHY. Your answer is no? Thank you.

Mr. Stevens, one of the specifications that were originally released on December 26—no, it is No. 26 on December 10, 1953, if I may read:

At Senator McCarthy's request, Secretary Stevens and Mr. Adams lunched with Senator McCarthy and Mr. Francis Carr at the Carroll Arms. According to Mr. Carr, Mr. Cohn was too upset to attend the lunch because of the Private Schine situation and the Army's unwillingness to settle on Private Schine's future assignment, and had departed for New York immediately after the conclusion of the morning hearings.

Could you tell us now whether or not that was true or untrue?

Secretary STEVENS. I have some recollection, Senator, of some remark along that line. I heard later that Mr. Cohn's father was sick, and I think that that is undoubtedly the main reason that he went back to New York.

Senator McCARTHY. Actually you learned, instead of Mr. Cohn's leaving after the morning session, that he and Mr. Robert Morris left the night before when he got word that his father was very ill, that there was no indication by anyone that day that Mr. Cohn had left because he was disturbed about Private Schine. Actually we told you and Mr. Adams, did we not, that Mr. Cohn had gone to New York because his father had a heart attack—was very ill—and he didn't want that made public because of the phone calls that would be coming to the house which would disturb his father. We told you for that reason this was just information to be kept around the table.

There is no question of that, is there, Mr. Stevens?

Secretary STEVENS. I recollect Mr. Carr making some statement that Mr. Cohn was quite upset about David Schine.

Senator McCARTHY. Let us get this straight, Mr. Stevens, if we can.

You allege here, and this was made public, we find now it was given to Mr. Alsop weeks ahead of time. The allegation that Mr. Cohn had left after the morning session; the reason he left was because he was upset about Private Schine.

You know now, do you not, that this is completely untrue, that he left the night before, that he left because his father became suddenly ill. We told you at the time—do you recall that?

Secretary STEVENS. I do not know that Mr. Cohn left the night before.

Senator McCARTHY. Can you tell me who was responsible for making this very serious misstatement of fact? Was it you or Mr. Adams who is responsible? You were the only two people there besides Mr. Carr and myself.

Secretary STEVENS. That is right.

Senator McCARTHY. Who gave out the false information?

Mr. WELCH. Mr. Chairman?

Senator MUNDT. Have you a point of order?

Mr. WELCH. No, there is no testimony that the information is false. The testimony from this witness seems to be quite clear that he heard at that conversation that Mr. Cohn—at that meeting—that Mr. Cohn was upset about Private Schine.

Senator MUNDT. The Secretary has a perfect right to deny that it is false, if it isn't right.

Senator McCARTHY. If this is true, Mr. Stevens, you can tell us. If you now have any reason to think that Mr. Cohn left after the morning session, he left because he was disturbed by Private Schine, you can tell us. If you now know that this was false, that Mr. Cohn

left the night before, he was taken to the airport by Mr. Morris because of very serious illness on the part of his father, having nothing whatsoever to do with the private in the Army, if you know that is true, just tell us. I think in fairness to the Senators here you should do that and I think you should then explain who was responsible for this.

I frankly don't think you were. I think it was someone else. I am curious to know who. May I say, Mr. Stevens, I think that much of what has gone on here, in fact 95 percent or more has not been your fault. I would like to know who has been promoting you into this situation. You can tell us, if you want to.

Secretary STEVENS. I am not sure I got the question. That was rather a long one.

Senator MUNDT. Will you restate the question, Senator McCarthy.

Secretary STEVENS. Can I have it read, Mr. Chairman?

Senator McCARTHY. Maybe I can make it shorter.

Secretary STEVENS. I would like to have the question read.

Senator MUNDT. All right. The witness wants it read. He may answer it.

Secretary STEVENS. There is something about something false. I want to find out what that is.

Senator MUNDT. You may read the question with the preliminary statement that included the word "false."

Mr. JENKINS. There is also a statement in there that absolves you of 95 percent of this. There is that, too. I think the Secretary is perfectly within his rights that that question be read exactly.

Senator MUNDT. Will the reporter find the place where the Senator began his statement and read it loudly and slowly, because it is a pretty long question. And then we can get the answer.

(The reporter read from his notes as requested.)

Senator MUNDT. Mr. Secretary?

Secretary STEVENS. Well, I don't know anything is false. I would like to clear that point up. I have testified that I have a recollection of Mr. Carr indicating that Mr. Cohn was upset about Private Schine. That recollection I have. Now, as to the question of who is shoving me—is that the question, as I understand it—nobody is shoving me.

Senator McCARTHY. In other words, you say you personally are responsible for these charges made against Mr. Carr, Mr. Cohn and myself?

Senator STEVENS. Some of them.

Senator McCARTHY. I am not here as your counsel, Mr. Stevens, but I have had, as you know, many conversations with you about Communists in the military. I got the impression in talking to you originally that you were just as concerned about a house-cleaning as we were, that you were concerned with the mess you found when you took over. All of a sudden, practically overnight, there seemed to have been a change of heart, just about the time we tried to get at those who were responsible.

I cannot conceive that this whole smear against Mr. Cohn, Mr. Carr, is a result of your—let's say charges instead of smear.

Mr. JENKINS. Mr. Chairman? Senator McCarthy is making a statement of fact, and I suggest that his statements be in the form of a question.

Senator McCARTHY. Mr. Chairman, in order that the witness may understand the question, it may be necessary for me to review some of the past, a past which is known only to me and my staff and Mr. Stevens. I think the committee would be interested in it. I do think this is a proper prelude to the question. If Mr. Jenkins thinks not, I certainly will not press the point, because we are trying to rush this thing through before noon.

Mr. JENKINS. The assumption is that the Secretary knows the facts and knows what has been testified here.

Senator McCARTHY. We will drop the question. Let me ask you this, Mr. Stevens. You say there is nothing false about this statement as far as you know. Let me quote:

According to Mr. Carr, Mr. Cohn was too upset to attend the lunch because of the Private Schine situation, and the Army's unwillingness to settle on Private Schine's future assignment and had departed for New York immediately after the conclusion of the morning hearing.

In the formal charge, that was dropped. Is it not correct it was dropped because you or someone on your staff saw Mr. Cohn on a "Meet the Press" hearing or listened to him, at which time he completely exploded this lie, and it having been exploded you decided to drop it or someone decided to drop it?

Mr. WELCH. Objection.

Mr. JENKINS. Mr. Chairman, I object also. I do not think it at all proper for Senator McCarthy to use the expression "completely exploded this lie." The Secretary has testified that according to his best recollection he heard someone at the meeting referred to say that Mr. Cohn was upset on account of Schine and was so upset that he could not attend the luncheon and had gone to New York. Is that right, Mr. Secretary, in substance?

Secretary STEVENS. In substance, yes.

Senator McCARTHY. My question is, Is what I have read you true or false? We will leave out the word "lie."

Senator MUNDT. It is a proper question as restated.

Senator McCARTHY. We will restate it. I will read you a statement now from the Army charges dated December 10, 1953, charge No. 26. I am starting beyond the middle of the charge:

According to Mr. Carr, Mr. Cohn was too upset to attend the lunch because of the Private Schine situation, and the Army's unwillingness to settle on Private Schine's future assignment and had departed for New York immediately after the conclusion of the morning hearings.

Do you know now, Mr. Secretary, that that charge is false or do you maintain it is true?

Mr. WELCH. Objection.

Senator MUNDT. That is certainly a proper question. If the charge is presented to the committee, he has a right to ask whether it is true or false.

Mr. WELCH. There is a great deal in that that is obviously true. No witness can characterize that whole statement as false.

Mr. JENKINS. The Secretary has a right to make that answer, Mr. Welch.

Senator MUNDT. The question is proper. We will let the Secretary answer it.

Senator McCARTHY. Is that charge formally made, given to all the press, true or false? If any part of it is true, tell us what part is true and what part is false.

Secretary STEVENS. I have already testified that I have a distinct recollection of Mr. Carr saying that Mr. Cohn was very upset about Private Schine and what his future assignment was going to be.

Senator McCARTHY. That is not the question, Mr. Secretary. Let's divide this into two parts, if we may.

Mr. JENKINS. Mr. Chairman, I think the Secretary has answered that question. I think he has given a fair answer. He says he has a distinct recollection of what Mr. Carr said about it and that answers Senator McCarthy's question.

Senator McCARTHY. That is not the question, Mr. Jenkins.

Senator MUNDT. The Senator's time has expired.

Mr. Jenkins?

Mr. JENKINS. I have no questions.

Senator MUNDT. The Chair has none. Senator McClellan or any Senators to my left?

Any Senators to my right?

Mr. Welch?

Mr. WELCH. No questions.

Senator MUNDT. Mr. Cohn or Senator McCarthy.

Senator McCARTHY. Mr. Stevens, I am not asking you whether or not Carr told you that Cohn was upset. The formal charge was—let us divide it into two parts—that he was too upset to attend the lunch because of the Private Schine situation. Is that true or were you told that he could not be there because his father had been taken seriously ill? Which is the fact?

Secretary STEVENS. I have testified that it is my recollection that Mr. Carr said that Mr. Cohn was very upset about Private Schine and his future assignment.

Senator McCARTHY. The question—you charge here that he couldn't attend the luncheon because he was so upset about Private Schine. Have you since learned that he didn't attend this luncheon because his father became seriously ill the night before?

Secretary STEVENS. I was very sorry to learn that Judge Cohn had been taken ill.

Senator McCARTHY. Would the reporter read the question?

Senator MUNDT. The reporter will read the question to determine whether the answer was responsive or not.

Mr. JENKINS. Mr. Chairman, to save time—

Senator MUNDT. The Secretary preferred, I think, to have the reporter read the question. Let him read it, please.

Secretary STEVENS. Anything, Mr. Jenkins—

Mr. JENKINS. Would you prefer to have the question read?

Senator McCARTHY. I would like to have it read, so he can answer my question.

Senator MUNDT. To save time, we will have the question read.

Senator McCARTHY. Stevens, we are trying to get you off the stand before noon, if you will try to answer the question. Will you do that?

Senator MUNDT. The Chair has asked that the question be read so we can determine the answer. Will the reporter read the answer and the question?

(The reporter read from his notes as requested.)

Secretary STEVENS. I did learn about Judge Cohn's illness later; that is correct.

Senator McCARTHY. Did you learn that the reason he left was because of his father's illness and not because of Private Schine?

Secretary STEVENS. Not at that time. I do not recall having learned it.

Senator McCARTHY. You know now?

Secretary STEVENS. I know now.

Senator McCARTHY. Good. Also, there is the Army—not the Army statement, the Stevens and Adams statement that Mr. Cohn had departed immediately after the conclusion of the morning hearing. Do you know that that charge is also false and that he left the night before?

Secretary STEVENS. I did not know he had left the night before. I assumed he left after the morning hearing.

Senator McCARTHY. You know it now?

Secretary STEVENS. You have advised me. This is the first time I have known it.

Senator McCARTHY. Could you tell us why the formal specification No. 18 differs from the informal charge No. 26? Was that because in the meantime you or someone on your staff heard the statement of Mr. Cohn on the air that this was completely false?

Mr. WELCH. I was not attentive, sir.

Senator MUNDT. A point of order, Mr. Welch?

Mr. WELCH. I regret to say I did not hear the question. Could I hear the question read?

Senator MUNDT. The reporter will read the question.

(The question was read by the reporter.)

Mr. JENKINS. Mr. Chairman, I think it is incumbent upon Senator McCarthy to point out to the witness the differences in the respective statements or charges so he will know precisely what he is called upon to answer.

Senator MUNDT. The Chair agrees. I think, Senator McCarthy, if you will point out the differences, it will be easier for the Secretary to answer the question.

Senator McCARTHY. I will be glad to do that. Charge No. 26 is very lengthy. Charge No. 18 is very brief.

Senator MUNDT. Perhaps if you read just the pertinent point.

Senator McCARTHY. To save time, if the Secretary would take the charges which he has before him—would you prefer to have me read these, Mr. Stevens?

Secretary STEVENS. Not necessarily.

Senator MUNDT. You have them before you, Mr. Secretary. There are 18 and 26; is that correct?

Senator McCARTHY. Yes.

Secretary STEVENS. I want to be sure I understand your question.

Senator McCARTHY. No. 26 is the original release by the Army—strike that.

Secretary STEVENS. That was the chronology of events, not charges.

Senator McCARTHY. All right. No. 18 was the charge, right?

Secretary STEVENS. That is right.

Senator McCARTHY. I ask you the simple question, Originally in the chronology of events, as you call it, you charge that Mr. Cohn, No. 1, would not attend the luncheon because he was upset about Schine. We agree now that that is not true. No. 2, you claim that Cohn left for New York after the morning hearing. Let me ask you whether you know that that is untrue, also, and that he left the night before.

Secretary STEVENS. Wait a minute, Senator. There are a lot of charges of untruth, and I do not subscribe to any of them.

Senator McCARTHY. You say it is true that—

Secretary STEVENS. I say it is true that my recollection is good that Mr. Carr said that Mr. Cohn was very upset about Private Schine and his future assignment.

Senator McCARTHY. Let's go beyond that. This is pretty important, Mr. Secretary. You are charging here what you claim is an attempt to get consideration for Schine, which we deny. You and I and Mr. Carr and Mr. Adams had lunch at the Carroll Arms, is that correct?

Secretary STEVENS. That is right.

Senator McCARTHY. You were told why Mr. Cohn was not present, were you?

Secretary STEVENS. That is right.

Senator McCARTHY. If Mr. Carr swears under oath that you were told what the facts actually were, which can be established from the plane reservations and everything else, that he left the night before, that he had received word that his father was seriously ill, would you still claim that Mr. Carr or someone lied to you and told you that was not the reason?

Mr. JENKINS. That kind of question is wholly improper. I object to that. It is not for Mr. Stevens to tell whether Mr. Carr was telling the truth or lying. That is for this committee to say. I point out again that the Secretary has stated that at that meeting he was told that he has a distinct recollection that Mr. Carr told him that Mr. Cohn was so upset about Private Schine that he left and went to New York. I observe in one of the Senator's questions that he made the statement in his question that it now was false with respect to the reason Mr. Cohn left.

Senator McCARTHY. Mr. Jenkins, it is not your function to determine the truth or falsity of any statement. I intend to bring it out by cross-examination. The statement which the Secretary has made is completely false. I intend to prove that by cross-examination of him. I intend to do that now, Mr. Chairman. I intend to ask him these questions.

They made serious charges. One day when they learn they are false and they don't include them in the formal charge.

If you just try to have a little better memory, Mr. Secretary, maybe we can get along a lot faster. I have asked you a simple question and I will restate it.

Senator MUNDT. The counsel's objection did not go to the question of determining whether it was true or false. It went to the fact that there were statements preceding the question.

If you will ask the question, the Chair believes it is entirely proper to determine whether or not any of the charges made against you is true or false. That is the purpose of these hearings.

Ask questions in that connection.

Senator McCARTHY. Mr. Stevens, do you know now that the statement that Mr. Cohn left after the morning hearing is a false statement as of today, was a false statement the day it was made? Do you know that?

Secretary STEVENS. What I know is that I have already testified—

Senator McCARTHY. You can tell me yes or no.

Secretary STEVENS. I have already testified on that, Senator.

Senator McCARTHY. Do you know, Mr. Stevens, whether or not this statement which your office released to the press—

Secretary STEVENS. I beg your pardon. My office did not release that to the press.

Senator MUNDT. He denies that his office released it to the press.

Secretary STEVENS. I take exception to that.

Senator McCARTHY. Who released it to the press?

Secretary STEVENS. I don't know who released it to the press.

Senator McCARTHY. Will you turn around and talk to Mr. Adams and refresh your recollection and ask him whether or not he did not release that to Mr. Alsop weeks before any newsman got it, and that Mr. Alsop urged him to give it to all the press and make it public?

Mr. WELCH. Mr. Chairman.

Senator MUNDT. Do you have a point of order?

Mr. WELCH. I suggest that this be handled as the matter was yesterday when it was something within Mr. Adams' knowledge and that nothing is to be gained by talking back and forth and trying to forward to the committee what Mr. Adams says.

We saw yesterday how simple things were if we put Adams on the stand. If you want to go into it, let us do it that way.

Mr. Chairman, if this witness continues on the stand next week, I assure you he is prepared to stay on the stand as long as the Senator finds questions to ask him.

Senator McCARTHY. Mr. Chairman, I am asking him—

Senator MUNDT. May the Chair say in responding to Mr. Welch's point of order that he makes a good point that when there were questions that only Mr. Adams could answer we called him.

I suggest, if possible, the Senator direct questions to Mr. Stevens that he can answer and make notes of those he wants Mr. Adams to answer when we call him to the stand.

Senator McCARTHY. Mr. Stevens, I am asking you about certain things that occurred and asking you to answer from your own knowledge what was told you by your subordinates.

You just made the unqualified statement that these charges were not released to the press?

Secretary STEVENS. That is correct.

Senator McCARTHY. Is it not true that Mr. Adams told you that he had given a copy of this to some members of the press?

Secretary STEVENS. No, sir.

Senator McCARTHY. He never told you that?

Secretary STEVENS. No, sir.

Senator McCARTHY. So if he did not, that was done without your knowledge and without your authority?

Secretary STEVENS. That is right.

Senator McCARTHY. Good. Then you still haven't answered this question, Mr. Stevens: Do you know today that the charge that Mr. Cohn left after the morning hearings, because he was disturbed by Private Schine, do you know today that that is untrue?

Secretary STEVENS. Senator, no, I do not know that it is untrue. I have a strong recollection about what Frank Carr said. That is what I have testified.

Senator McCARTHY. Do you know why it was left out of the formal charges?

Secretary STEVENS. Why was it left out of the formal charges?

Senator McCARTHY. Yes. And why it was left out of your testimony also.

Secretary STEVENS. I don't think it was left out.

Senator McCARTHY. Would you have one of your aides check your testimony and tell us where you corrected this in your testimony or covered it? Could you do that? You have a lot of them around you, Bob.

Senator MUNDT. Counsel for the committee advises the chairman that it was left out. If counsel is wrong, we want you to correct it.

Mr. St. CLAIR. May I address the Chair on this point?

Senator MUNDT. If you have a point of order, you certainly may.

Mr. St. CLAIR. It is alleged that this incident was left out of the charges, the formal charges presented by counsel for the Army. I would like to read charge No. 18.

Senator MUNDT. You may do that.

Mr. St. CLAIR. On or about December 10, 1953, Senator McCarthy and Mr. Carr sought to obtain a special assignment for Private Schine in New York City for the purpose of studying textbooks at West Point.

I hardly need to point out that these do not purport to be allegations of the evidence but allegations of our conclusions as to what the evidence amounts to.

Senator MUNDT. Will counsel amplify that a little further? I don't quite get the connection between that and the luncheon in the Carroll Arms Hotel.

Mr. St. CLAIR. I am certain that Mr. Jenkins would support my statement to the effect that we were requested to not simply copy down the chronology of events as our charges but to condense them and put them in understandable form so we could proceed with these proceedings in an expeditious manner. If we were given an opportunity to argue the case, we would certainly argue that this instance of Mr. Carr's telling Mr. Stevens about Mr. Cohn's indisposition to attend would amount to an attempt to obtain special preferential treatment. We do not attempt to here plead evidence. We are simply pleading what we believe the ultimate facts to be.

Senator McCARTHY. Mr. Chairman, the question was: Mr. Stevens volunteered the information that he didn't cover this matter in discussing his testimony. I asked him if he wouldn't have one of his aides check his testimony and tell us where he discussed in his testimony the fact that Mr. Cohn was not present because of Private Schine, whether or not it is true that he left for New York because of Private Schine. He said he discussed that in his testimony. If so, I think one of his aides should show us where it was discussed. I

listened to the testimony, I even have taken the time to read it over, and I find nothing of that nature. Can you have one of your aides do that, Mr. Stevens, right now?

Secretary STEVENS. If I understand exactly what it is you want, Senator, I will be glad to do it.

Senator McCARTHY. Let's try and rephrase it so you will understand it. I have been asking you about statements, charges made against Mr. Cohn, one that he was too upset to attend a lunch because of Private Schine, and that he had left for New York, immediately after the hearing because of being so upset. We both agree now, I believe that that is false, that he went there the night before.

Secretary STEVENS. I don't know that to be a fact.

Senator McCARTHY. Then let me ask you this—

Senator MUNDT. The Secretary denies that he agrees to that.

Senator McCARTHY. Let me ask you this: You said you did discuss this in your testimony. I would like to know whether that is true or not, whether you did discuss it in your testimony, or whether you have another lapse of memory or not.

Secretary STEVENS. If I can have that question read, I will try my best to answer it.

Senator McCARTHY. Let me do it over again. You said that you had discussed this matter in your testimony. I have said where, and I know you cannot look over the testimony yourself, now that you are testifying. So will you have one of your many aides take your testimony and point out to us, point out to you so you can testify, where you discussed or corrected what to me appears to be a misstatement.

Secretary STEVENS. As soon as we get the record of this morning's hearings, I will have that done and point it out to you.

Senator MUNDT. I think the Secretary misunderstood the question. The question was where in your original statement or in your presentation of the charges did you refer to this luncheon incident. Is that the question?

Secretary STEVENS. I don't think that is the question. Senator McCarthy referred to testimony. I have testified on this matter this morning.

Senator MUNDT. The Chair misunderstood the question.

Senator McCARTHY. I hope you understood it, but maybe not. I asked you why, in the formal charges and in your statement, that is the statement made to the committee, why you omitted this very serious charge in the chronology of events, if it were true. The question is why did you omit it, and you said you did not omit it, you discussed it in your statement. I thought you said that. The question is now did you discuss this in your statement made to the committee?

Mr. WELCH. Do you mean the formal statement, sir? I don't know what you mean, Senator.

Senator McCARTHY. I am not questioning you, Mr. Welch.

Senator MUNDT. May the Chair explain it? It doesn't seem confusing to the Chair, and if the Chair is accurate in what he understands, it shouldn't be confusing to anybody.

Senator SYMINGTON. It seems to me the counsel for this witness has been on the stand for 12 days and has the right to ask for a clarifi-

fication of a question, regardless of what the members of the committee feel about it.

Senator MUNDT. The Chair was endeavoring to clarify it by re-stating it. As I understand the question, Mr. Stevens, it is not dealing with your testimony this morning at all.

Secretary STEVENS. I thought it was.

Senator MUNDT. I think Senator McCarthy was asking you to find the place or have one of your aides find the place where on your opening day or opening statement you referred to this Schine incident, and if not there where in your official presentation of 29 charges was it referred to, if at all. Is that the question, Senator McCarthy?

Senator McCARTHY. That is correct.

Senator MUNDT. I think that it is a clear question that one of your aides could look up.

Secretary STEVENS. It was not in my original formal statement, as I call it, and I think counsel has explained to the committee the difference between the language used and the chronology of events and the bill of particulars, if that is what you call it.

Senator MUNDT. May I inquire if it was not in the original statement, was it in the bill of particulars, and if it wasn't in it particularly, was it covered some place?

Secretary STEVENS. It was covered, as the counsel explained.

Senator MUNDT. The Senator's time has expired. I suggest when he has his next 10 minutes that he ask where it was covered and we can move on to something else.

Mr. Jenkins?

Mr. JENKINS. No questions.

Senator MUNDT. On my right?

On my left?

Mr. Welch?

Mr. WELCH. No questions.

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. Mr. Stevens, you have made the charge that Mr. Cohn and Mr. Carr threatened you, is that right?

Secretary STEVENS. Can you refer me to that language in the charge so I can look at it?

Senator McCARTHY. Do you recall whether or not you made such a charge? You should recall that, Mr. Secretary.

Secretary STEVENS. Can you point that out to me?

Senator McCARTHY. Let me ask you, did Mr. Cohn or Mr. Schine ever threaten you?

Secretary STEVENS. Did they ever threaten me?

Senator McCARTHY. Yes.

Secretary STEVENS. I want to check the charges here.

Senator MUNDT. You are forgetting the question, Mr. Secretary. The question was did Mr. Cohn and Mr. Carr ever threaten you?

Secretary STEVENS. Mr. Cohn and Mr. Carr were talking about resuming hearings, shall we say, a somewhat unusual way.

Senator MUNDT. Would you be able to answer the question yes or no and then elaborate on it? Did they ever threaten you?

Secretary STEVENS. Well, on the question of resumption of the hearings, taken in conjunction with the discussion, the constant discussion about Private Schine, it was my feeling that they were threatening me.

Senator McCARTHY. Threatening you with what?

Secretary STEVENS. Threatening to—if I didn't do something, they were going to do something.

Senator McCARTHY. What were they going to do?

Secretary STEVENS. Well, they were going to—well, as you recall, a declaration of war, and things of that kind.

Senator McCARTHY. They were going to do the declaration of war? What is doing the declaration of war, Mr. Secretary?

Secretary STEVENS. Now, we are going back right to the Fort Monmouth situation, where Mr. Cohn got so upset because he wasn't allowed in the laboratory, that he used some very strong language there, some of which, as I indicated in my opening statement, within the hearing of people who will testify in this hearing, to the effect that this is a declaration of war. That—I say when language like that is being used, it is pretty strong language, Senator.

Senator McCARTHY. You say threatened you in connection with Schine. Did this have anything to do with Schine? Wasn't this a case of Mr. Cohn being excluded from the laboratories after he had been invited down there?

Secretary STEVENS. That is right.

Senator McCARTHY. This had nothing to do with Private Schine, did it?

Secretary STEVENS. It is all part of a pattern in my opinion, Senator.

Senator McCARTHY. Now, Mr. Secretary, did this have anything to do with Private Schine? You describe the exclusion of Mr. Cohn from the Monmouth laboratories. Didn't Mr. Cohn tell you that he hoped some day that he would have as much success in being able to get into the laboratories as the Communists were having?

Secretary STEVENS. I don't recall that.

Senator McCARTHY. It was a case of ribbing you rather thoroughly.

Secretary STEVENS. No, sir, it was not ribbing. Mr. Cohn was deadly serious.

Senator McCARTHY. Did that have anything to do with Schine?

Secretary STEVENS. Yes, it did.

Senator McCARTHY. What did he say about Schine when you told him he couldn't get into the secret laboratory?

Secretary STEVENS. Because the subject of Mr. Schine had been the subject of conversation on a number of occasions prior to that time.

Senator McCARTHY. How about this occasion, Mr. Secretary? Let us try to stick to the facts now. We are down at Fort Monmouth.

Secretary STEVENS. That is right.

Senator McCARTHY. We were going through the laboratories, is that correct?

Secretary STEVENS. That is right.

Senator McCARTHY. As we went through the laboratories we were discussing the various types of equipment, is that correct?

Secretary STEVENS. That is right.

Senator McCARTHY. And the importance of that equipment, is that correct?

Secretary STEVENS. Yes.

Senator McCARTHY. You and I, as I recall, that day had a perfectly friendly discussion as to the danger that would accrue to this Nation if a Communist did have access to those laboratories, is that correct? That is part of the substance of our conversation?

Secretary STEVENS. I don't remember all of that detail, Senator.

Senator McCARTHY. Roughly, wasn't that it?

Secretary STEVENS. I don't remember all that detail.

Senator McCARTHY. I am not asking about the detail. You and I spent a couple of hours there as I recall. We were discussing the radar equipment, our investigation, the importance of security at Fort Monmouth.

Secretary STEVENS. That is right.

Senator McCARTHY. We were not discussing some private in the Army, were we?

Secretary STEVENS. That is right; we were making an inspection of Fort Monmouth; right.

Senator McCARTHY. We were not discussing any private in the Army.

Secretary STEVENS. We were not there for that purpose.

Senator McCARTHY. Answer it, Mr. Secretary. Were we discussing a private in the Army?

Secretary STEVENS. No.

Senator McCARTHY. Good.

Then, when Mr. Cohn was excluded from the laboratory, you say he got irritated about being excluded?

Secretary STEVENS. That certainly is correct.

Senator McCARTHY. Let us assume that is true. That had nothing to do with a private in the Army?

Secretary STEVENS. In my opinion, it did.

Senator McCARTHY. Did he talk about the private at that time?

Secretary STEVENS. Not at that particular time, but on plenty of other times.

Senator McCARTHY. You think he got mad then not because he was excluded from the lab, but because of the treatment of the private?

Secretary STEVENS. I think he was mad at that particular time because of being excluded from the laboratory.

Senator McCARTHY. Now let us get back to the threat in connection with Private Schine. What threats were made to you in connection with Private Schine? Let me read the specifications so you won't be in any way deceived:

On or about November 14, 1953, Mr. Cohn threatened to continue the sub-committee investigations in the Army installations at Fort Monmouth, N. J., which had theretofore resulted in exaggerated headlines damaging to the morale of personnel at Fort Monmouth.

On or about November 16, 1953, Mr. Cohn and Mr. Carr renewed the threats that are cited in paragraph 11 above, this time directing them to Secretary Stevens.

It would appear from this that perhaps the alleged threats on November 14 were not made to you because the specification No. 12 says that in 16 they were directed to you.

Let us go to 16. Where was the meeting held that day?

Secretary STEVENS. In my office.

Senator McCARTHY. I know we have gone over this before, but just to keep the chronology of events straight, we were over there at your invitation, we were over there to discuss what?

Secretary STEVENS. I don't recall that you were over there at my invitation. This meeting, I believe, was arranged by members of your staff and the sequence of events which is pertinent here is that I held a news conference on the 13th of November—

Senator McCARTHY. May I interrupt?

Secretary STEVENS. And I—let me answer the question.

Senator McCARTHY. Will counsel help me? I will be glad to hear you.

Senator MUNDT. You may answer it.

Secretary STEVENS. I made a statement to the press that up to that time I knew of no current espionage at Fort Monmouth. The press published that statement very widely.

Senator McCarthy and members of his staff did not like it, and Mr. Cohn and Mr. Carr came over to my office to tell me that Senator McCarthy felt that I had pulled the rug out from under him. I said I had no such intention and that I would be glad to go to New York and discuss the matter with Senator McCarthy, which I did on the 17th.

But in the course of the meeting on the 16th, in my office, there was plenty of what was going to happen now.

Senator McCARTHY. Counsel tells me that I may have misled you when I referred to November 16 as the date that we had the luncheon. It was November 6 that we had that luncheon in your office. The November 16 meeting was a different one; right?

Secretary STEVENS. You just asked me about the November 16 meeting, and I have just covered it fully.

Senator McCARTHY. All right. Go ahead. You say that they told you I was unhappy about the press release you had made?

Secretary STEVENS. That is correct.

Senator McCARTHY. And told you that the investigation would continue; is that correct?

Secretary STEVENS. It certainly is.

Senator McCARTHY. Did they tell you it was being continued because of Private Schine?

Secretary STEVENS. They told me that you were very upset about this press statement I had made, Senator.

Senator McCARTHY. They did not tell you I was upset about Private Schine, did they?

Secretary STEVENS. But there had been some evidence that you had been.

Senator McCARTHY. Let's stick to the facts, Mr. Secretary. We let you recite the evidence. On this particular date when you say threats were made, at that time they did not tell you I was disturbed about a private in the Army; they told you I was disturbed about a release which you made which I considered unfair. Is that what they told you?

Secretary STEVENS. May I have that read, please, Senator?

Senator MUNDT. Will the reporter read the question? The Chair believes that it is susceptible of a yes or no answer.

(The question was read by the reporter.)

Senator McCARTHY. Not unfair, untrue. The word is "untrue," Mr. Reporter.

Senator MUNDT. I think the Senator stated "unfair" the first time. He can change his question.

Secretary STEVENS. If the word was "unfair," I think the answer to that one is "Yes." That is about what happened.

Senator McCARTHY. So this discussion was not an attempt to get any preferential treatment for a private; this was a discussion about a press conference which you had.

Secretary STEVENS. All part of a pattern, in my opinion, Senator McCarthy—

Senator McCARTHY. Tell me, Mr. Secretary, was there discussion that morning about the Army private or was the discussion about this press statement?

Secretary STEVENS. The discussion was principally about the press statement and not about Schine.

Senator MUNDT. The Senator's time has expired.

Mr. Jenkins?

Mr. JENKINS. Mr. Secretary, you were asked by Senator McCarthy whether or not he or Mr. Cohn or Mr. Carr ever threatened you. You recall the incidents of October 20 at Fort Monmouth, do you not?

Secretary STEVENS. Yes, sir.

Mr. JENKINS. In addition to what you know personally of those incidents, you were advised by Mr. Adams and others of what occurred, were you not?

Secretary STEVENS. Yes, sir.

Mr. JENKINS. I will ask you whether or not on that occasion, on that day at Fort Monmouth, you were told that when Mr. Cohn was not admitted to a certain laboratory he became highly incensed and stated in substance that "this is a declaration of war."

Secretary STEVENS. Yes, sir.

Mr. JENKINS. Did you accept that statement, Mr. Secretary, as coming from Roy Cohn individually or as coming from the McCarthy investigating committee?

Secretary STEVENS. My relations with Roy Cohn were such that I regarded him as chief counsel for this committee.

Mr. JENKINS. You regarded that statement—you regarded him as being an authority with that committee, did you not?

Secretary STEVENS. I did.

Mr. JENKINS. You regarded it as an entity as one, as a unit, and that whatever was told to you by one member was accepted by you as coming from the McCarthy investigating committee?

Secretary STEVENS. I felt that when Roy Cohn spoke, he spoke with the authority of this committee.

Mr. JENKINS. I will ask you whether or not on that occasion you either heard or you were told that Mr. Cohn, in addition to what we have just stated, what you have just stated, made the further statement that in effect, "We will investigate the Army from now on."

Secretary STEVENS. Yes, sir.

Mr. JENKINS. Were you so advised by persons whom you regarded as reliable?

Secretary STEVENS. Yes, sir.

Mr. JENKINS. Did you regard that as a threat?

Secretary STEVENS. Yes, sir.

Mr. JENKINS. Did you know at that time, Mr. Secretary—did you have in mind at that time that many different requests had been made of you by some member of the McCarthy investigating committee for preferences for Schine?

Secretary STEVENS. I had it in mind.

Mr. JENKINS. Including a direct request from the Senator for a commission for Schine?

Secretary STEVENS. Yes, sir.

Mr. JENKINS. And including requests from Mr. Cohn and perhaps others for other special considerations for Schine?

Secretary STEVENS. That is right.

Mr. JENKINS. Then did you view and evaluate those statements by Mr. Cohn on October 20 in the light of what had occurred prior thereto on behalf of Schine?

Secretary STEVENS. Yes, sir, I did. And as I said, I regard it as part of a pattern.

Mr. JENKINS. I believe in your statement given to the committee, and which you read on the opening day of this hearing, you stated that there had been no less than 65 telephone calls coming to you, Mr. Adams, or others at the Pentagon, from the McCarthy committee with reference to David Schine. Is that right, Mr. Secretary?

Secretary STEVENS. I don't think that was all to the Pentagon, but that was all calls on that subject.

Mr. JENKINS. And with reference to Schine?

Secretary STEVENS. Yes, sir.

Mr. JENKINS. Some of those calls came in prior to October 20, as we understand it; is that correct? Either calls or personal interviews.

Secretary STEVENS. Yes, sir.

Mr. JENKINS. I believe you further stated that in addition to the 65 telephone calls, there were 19 personal contacts by the McCarthy investigating committee with reference to Schine; is that correct?

Secretary STEVENS. That is right.

Mr. JENKINS. Did some of those occur prior to October 20?

Secretary STEVENS. Yes, sir.

Mr. JENKINS. And some of the telephone calls occurred prior to October 20?

Secretary STEVENS. Yes, sir.

Mr. JENKINS. Then in the light of those personal contacts and those telephone calls, were those words uttered by, allegedly by, Mr. Cohn, weighty words in your mind and conveying a threat not against you for personal violence, but against the Army, of which you were the head?

Secretary STEVENS. That is right.

Senator McCARTHY. Just a minute, Mr. Chairman.

Senator MUNDT. Have you a point of order?

Senator McCARTHY. Yes. I am sure the question, I think Mr. Jenkins will agree, if he is going to talk about weighty words that impressed him so much, he should be able to tell us what those weighty words are. I am curious to hear about them myself.

Mr. JENKINS. The weighty words are that on October 20, when Mr. Cohn was not permitted to go into a certain laboratory, he in sub-

stance stated, "This is declaration of war. We will investigate the Army from now on." Is that what you testified to?

Secretary STEVENS. Yes, sir.

Senator McCARTHY. What in God's name does that have to do with Private Schine? If Roy Cohn was irritated because he was excluded from the laboratories, knowing that Communists had free access to them, wouldn't that irritation be justified? What does that have to do with Private Schine?

Mr. JENKINS. I am not asking about that.

Senator MUNDT. Counsel has a right to interrogate the witness.

Senator McCARTHY. I insist that counsel ask questions.

Senator MUNDT. The point of order is overruled.

Mr. Counsel?

Senator McCARTHY. Just a minute.

Senator MUNDT. Have you a point of order?

Senator McCARTHY. If the Chair would care to listen before he ruled, I would appreciate it.

Senator MUNDT. I ruled on the last one. Have you another point of order?

Senator McCARTHY. My point is this, that even though counsel, very able counsel, whom I have great respect for to ask questions, he cannot ask for conclusions of this witness. The witness is unable to do that. He must ask for the words that were said and we can determine whether they were weighty words.

Senator MUNDT. He has already asked the question and he has a right to ask whatever questions he chooses as long as they comply with the rules of the committee on materiality and relevancy.

Senator McCARTHY. Would the reporter read the last question, if you can find it.

Senator MUNDT. We have a request for reading of the last question.

Secretary STEVENS. While he is looking up that question, I would like to set the record straight on one thing that Senator McCarthy just said a moment ago, and that is that he indicated that Commies did have free access to the labs at Fort Monmouth. I say that Commies do not have free access to those labs.

Senator MUNDT. Is the reporter ready to read the question?

(The reporter read from his notes as requested.)

Senator McCARTHY. Mr. Chairman, I submit that that question is improper. He must tell what the words were. It is up to the committee to determine whether they were weighty words or not.

Senator MUNDT. The Chair believes the counsel, in response to the first suggestion, did repeat the words that this was a "declaration of war," is that correct, and "we will investigate the Army from now on." Perhaps you did not hear that. The words were repeated. The question is pretty cogent, I think, and counsel may continue.

Mr. JENKINS. I might call the committee's attention to the fact that I am following up the Senator's direct question to the Secretary, the question being whether or not he or Mr. Cohn or Mr. Carr ever threatened the Secretary. I am exploring that one particular point.

Senator MUNDT. That is one of the charges before the committee.

Mr. JENKINS. Mr. Secretary, thereafter and subsequent to October 20 were you personally contacted or was Mr. Adams personally con-

tacted by the McCarthy investigating committee with reference to Schine?

Secretary STEVENS. Yes, sir.

Mr. JENKINS. I will ask you whether or not thereafter many telephone calls were either transmitted to you or Mr. Adams with reference to Mr. Schine.

Secretary STEVENS. Yes, sir.

Mr. JENKINS. I will ask you whether or not in those telephone conversations there were discussions not only with reference to Schine, but with reference to the McCarthy investigating committee's work at Fort Monmouth? Were those subjects discussed in the same conversations on numerous occasions or on a few occasions or on no occasion?

Senator McCARTHY. May I have that question read?

Senator MUNDT. The question will be read.

(The reporter read from his notes as requested.)

Secretary STEVENS. Yes, they were discussed on a number of occasions.

Mr. JENKINS. Did you answer?

Secretary STEVENS. Yes, I said they were discussed on a number of occasions.

Mr. JENKINS. So that the conversation with reference to the investigation of Fort Monmouth and with reference to Schine were intertwined, so to speak, in one telephone conversation, is that correct, Mr. Secretary?

Secretary STEVENS. Yes, sir.

Mr. JENKINS. Did or not you regard that as being a combination of a request for preferences for Schine on the one hand and correlated with a discussion or a threat of a continued investigation of Fort Monmouth?

Secretary STEVENS. Yes. I couldn't separate the two.

Mr. JENKINS. Mr. Secretary, is that why you—I believe you state that on one occasion at the Carroll Arms Senator McCarthy asked you some 4 or 5 times to assign Schine to First Army Area in New York. Is that correct?

Secretary STEVENS. That is correct.

Mr. JENKINS. Was that subsequent to October 20?

Secretary STEVENS. Yes, sir.

Mr. JENKINS. Now, Mr. Secretary, is that why you say that you regard the whole thing, all of these contacts and conversations from beginning to end as constituting one pattern and as constituting a pattern of unfair or unusual requests for preferences for Schine? Is that correct?

Secretary STEVENS. That is correct.

Mr. JENKINS. That is all.

Senator MUNDT. The Chair has some questions jotted down, but in the hope that perhaps we can finish with Secretary Stevens this morning, and that Senator McCarthy can conclude, I am going to refrain. But if the Secretary is back on Monday, I will keep them in my notepad. Senator McClellan?

Senator McCLELLAN. Mr. Chairman, I wish to direct my questions to the allegations of threats against Mr. Stevens or against the Army. I wish to preface my question by reading from the original document

of chronological events that was delivered to me at the time they were delivered to others.

Senator MUNDT. Will you give the page number, Senator?

Senator McCLELLAN. Page 22 of that document referred to, dated events that occurred on January 11. I begin with that and read the last paragraph under that date:

Mr. Adams immediately telephoned Mr. Cohn and advised him of this development—

and which development, by reference, you will see, was to an assignment for Mr. Schine—

During the midst of the conversation, Mr. Cohn hung up on the telephone after telling Mr. Adams he would not stand for any more Army double-crosses.

Then I read from the same document, chronological event No. 37 of January 13 and 14.

A day or so after the conversation with Mr. Cohn, Mr. Adams went to the Capitol and called on Mr. Cohn and Mr. Carr in Mr. Cohn's office in the Senate Investigating Subcommittee. General discussion was had concerning the Private Schine situation and the progress of the McCarthy committee investigation at Fort Monmouth. Knowing that 90 percent of all inductees get overseas duty, and that there were 9 chances out of 10 that Private Schine would be facing overseas duty when he concluded his tour at Camp Gordon, Mr. Adams informed Mr. Cohn of this situation. Mr. Cohn, upon hearing this said, "This would wreck the Army" and cause Mr. Stevens to be "through as Secretary of the Army!"

I ask you, Mr. Secretary, if that information was conveyed to you by Mr. Adams.

Secretary STEVENS. It was, sir.

Senator McCLELLAN. Did you at that time consider those remarks a threat and do you now consider them a threat?

Secretary STEVENS. I do.

Senator McCLELLAN. That is all.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. Well, Mr. Chairman, I have only one question. That is this, and it is based in some part at least on a report rather than personal observation.

It is my understanding that from time to time there was a good deal of banter between Mr. Adams and Mr. Cohn, and the rest of the staff of the committee, not only in the committee room, but as I understand, at the meetings that were held, the luncheon meetings at the Carroll Arms Hotel.

Mr. Secretary, do you ascribe some of this to ribbing and banter? You used the word "ribbing" a moment ago.

Secretary STEVENS. The quotations that have been referred to I do not regard as ribbing or banter or anything else except a very serious matter.

Senator DIRKSEN. In your presence, was there a good deal of banter about the Schine matter, back and forth?

Secretary STEVENS. In my presence I wouldn't say much banter.

Senator DIRKSEN. Did you ever hear any conversations between Mr. Cohn and Mr. Adams about this matter that was certainly not in an intemperate vein or intemperate spirit, to at least induce the conclusion that it was banter and ribbing?

Secretary STEVENS. No, I guess I am not a very good banterer, myself. I am inclined to take things seriously. What conversations may have taken place between Mr. Adams and Mr. Cohn, of course they can testify to and I cannot. But the things to which reference has been made this morning, to my mind are exceedingly serious and I so regarded them then and do now.

Senator DIRKSEN. I want to make it abundantly clear, of course, that the question is based only on report, and in part at least on a report from one of my own assistants that there was a good deal of bantering from time to time, either in the committee office or at the Carroll Arms Hotel, and the problem for the committee is to dissociate between what was said in a rather facetious or rather light-hearted vein and what may have been serious.

Secretary STEVENS. Well, as I say, Senator, and I am most anxious to answer all of these questions directly and as quickly as I can, these were serious matters as far as I was concerned.

Senator DIRKSEN. I can imagine some exclamations of a kind that might be made, that set apart from all context and the atmosphere in which they were made may sound like a threat, whereas otherwise they may not be.

Secretary STEVENS. I don't think anybody that listens to these quotations that have been given here in this room this morning in the last few minutes could have any doubt as to whether or not they were banter or serious.

Senator DIRKSEN. I am only asking your opinion as to whether or not that kind of conversation took place in your presence and whether it seemed of the bantering type.

Senator MUNDT. Senator Jackson?

Senator JACKSON. No questions at this time.

Senator MUNDT. Senator Potter?

Senator POTTER. Mr. Secretary, is it your contention that if Mr. Schine had received a commission or had received permanent assignment to New York, the committee would have called off its investigation of Fort Monmouth?

Secretary STEVENS. Well, I would say that I had the feeling that something along those lines would probably happen, although as I testified before, I was not interested in calling off the investigation, I was interested in changing the type of hearings.

Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. No questions.

Senator MUNDT. Mr. Welch?

Senator SYMINGTON. I would like to ask a question, Mr. Chairman, if it is in order.

Senator MUNDT. I beg your pardon. I thought I had called on you. Senator Synington?

Senator SYMINGTON. Mr. Secretary, I would appreciate your trying to answer this question yes or no.

Secretary STEVENS. All right, sir.

Senator SYMINGTON. You talk about a pattern and you talk about the Army being hammered. Was it your idea that the more you did for Private Schine, the less hammering there would be of the Army?

Secretary STEVENS. Yes, sir, that was my idea.

Senator SYMINGTON. No further questions.

Secretary STEVENS. I would like, however, if I may, just add one brief sentence to that, to be sure that people understand that my one thought insofar as making any exceptions with Private Schine was because I did not want the Army to be in the position of obstructing the work of a Senate committee that was investigating the Army vigorously. And on that basis, you will recall, I said he could be available for committee work, providing it did not interfere with his training.

Senator MUNDT. Is that all, Senator Symington?

Senator SYMINGTON. Thank you, Mr. Chairman.

Senator MUNDT. Mr. Welch?

Mr. WELCH. I call Senator McCarthy's attention to the fact that it is close to 12 o'clock. If he has an ambition to conclude with the Secretary, we will have to move swiftly.

Senator MUNDT. Senator McCarthy and Mr. Cohn.

Senator McCARTHY. Mr. Secretary, much as I dislike taking this additional time on a private who got successively promoted by you to the point that he is a private, I think in view of your charges regarding him we should go into that. Do you know what his rating was before he was promoted to private? Is there anything lower than a private in the Army? I mean in rating. I don't mean any other way. Is there any rating lower than the rating of private?

Secretary STEVENS. No. Private.

Senator McCARTHY. So that Schine has received no promotions? The question can be answered yes or no. Is he now a private?

Secretary STEVENS. He started as a recruit and is now a private.

Senator MUNDT. The committee will come to order.

Secretary STEVENS. I hardly contend that is a promotion.

Senator McCARTHY. I assume after another 2 or 3 weeks we will learn how he got the special consideration to be promoted from recruit to private. Was that promotion from recruit to private the result of pressure on you?

Secretary STEVENS. No, that is routine procedure.

Senator MUNDT. I think the Senator did not hear the full answer because of the laughter. He said he did not consider that a promotion. Is that correct?

Secretary STEVENS. That is right.

Senator McCARTHY. So he has received no promotions as a result of pressure?

Secretary STEVENS. That is correct.

Senator McCARTHY. You said that you personally did not approve any special considerations for the private?

Secretary STEVENS. I indicated a moment ago in my little summary about the thing what I have done on that.

Senator McCARTHY. As I understood you, you said that you had allowed him to take time off to work on committee work when it did in no way interfere with his training.

Secretary STEVENS. That is right.

Senator McCARTHY. As long as it didn't interfere with his training, do you think that was special consideration given to the private?

Secretary STEVENS. I definitely do.

Senator McCARTHY. He did not work on the work of the committee when he wasn't in training. I assume the usual work he would be doing, if you call it work, would be over at the canteen or the recreation hall, dating, or whatever.

Secretary STEVENS. There are a lot of other jobs he would be doing, too, Senator McCarthy. Unfortunately, he missed doing a good many of them.

Senator McCARTHY. For example?

Secretary STEVENS. Oh, weapons cleaning, KP.

Senator McCARTHY. You mean he didn't clean his weapons?

Secretary STEVENS. He didn't serve on the teams that do that job.

Senator McCARTHY. You are sure of that?

Secretary STEVENS. Not to the extent that he should have or would have if this special provision of making him available for committee work had not been in effect.

Senator McCARTHY. Then you, not having been down at the training camp, I assume you got a report from someone on that, did you?

Secretary STEVENS. I beg your pardon?

Senator McCARTHY. How do you have that information? Did you get a report from someone?

Secretary STEVENS. Yes. I have found out what transpired.

Senator McCARTHY. Who did you get the report from? From newspapers or from an official?

Secretary STEVENS. I got it from General Ryan.

Senator McCARTHY. From General Ryan. Let me ask you this: The investigation of Communist infiltration in the Army started long before there was any talk about the drafting of Private Schine, isn't that right, long before he was drafted?

Secretary STEVENS. Well, I think—I don't mean this in an unkind way.

Senator McCARTHY. I am sure you don't.

Secretary STEVENS. But I understand the subject of Private Schine's being drafted is something that has been up for quite a while.

Senator McCARTHY. Do you maintain that the investigation and disclosure of Communists in the military was the result of Private Schine's being drafted?

Secretary STEVENS. I would like to have that one read.

Senator McCARTHY. Yes.

Senator MUNDT. The reporter will read the question.

(Wherenpon, the question referred to was read by the reporter as above recorded.)

Secretary STEVENS. No.

Senator McCARTHY. I didn't think you did. May I ask you this: Was the course of the investigation changed in any way after the drafting of Private Schine came up? Did we just continue on in the same course?

Secretary STEVENS. Did you continue on the same course?

Senator McCARTHY. Yes.

Secretary STEVENS. Yes; substantially.

Senator McCARTHY. Do you object to the disclosure of any of the security risks that we disclosed?

Secretary STEVENS. I don't object to anything which will help to get Communists or subversives out of any department of government.

Senator McCARTHY. So as far as those who were disclosed you have no objection to that, either before Schine or after Schine?

Secretary STEVENS. No; I have testified previously that we were working on all of those cases, Senator McCarthy.

Senator McCARTHY. Yes, I understand.

The question is: Did the course of the disclosure, did the method of disclosing, did the method of our investigation, as far as you know, change at all from the way it was conducted before Schine or after Schine?

Secretary STEVENS. No, I wouldn't say so.

Senator McCARTHY. So, as far as someone looking at the investigation would be concerned, he would not be able to detect any change in the methods, in the handling of the Communists or subversives from right back to the time we started up until you claimed there was some attempt to get consideration for Schine; is that correct?

Secretary STEVENS. I think the investigation went right along.

Senator McCARTHY. Did you think, Mr. Stevens, that if you could make Mr. Schine a general, as you mentioned the other day, or some other officer, did you think that I would call off the hearings because of that or change the course of them?

Did you, very honestly now?

Secretary STEVENS. No.

Senator McCARTHY. I knew you didn't. Didn't I make it very clear to you—

Secretary STEVENS. Of course that is a very hypothetical question. There was no danger of Mr. Stevens making Private Schine a general or anything else except what he was entitled to, as any other American boy.

Senator McCARTHY. Did you think if you gave him some special consideration, some special assignment, that we would call off the hearings?

Secretary STEVENS. All I know is that there was a lot of pressure to get him a special assignment.

Senator McCARTHY. Wait. Let us see now, Bob. Did you personally think from your conversations with me—and we had many of them about the hearings—did you think—will you listen to me, Mr. Secretary—did you think that if you were to give Private Schine some special consideration that I would have called off the hearings?

Secretary STEVENS. There was indication that the thing would be different.

Senator McCARTHY. Did I discuss the matter of Private Schine with you and tell you that you should lean over backward in view of the investigation to make sure that he not get any special consideration—let me finish the question—because if he did that would be construed by any enemies which our committee or you had in press, radio, and television as an attempt to buy off the committee? Was not this conversation, just to refresh your recollection, in the Schine apartment after you had a cup of coffee with us or were having breakfast, and was not Dave Schine personally present and did not he agree that that was true? Is that not correct?

Secretary STEVENS. I say no, sir, that is not true.

Senator McCARTHY. Did I ever tell you that you should be careful not to give Schine any special consideration?

Secretary STEVENS. Senator, you did not specialize on telling me that. [Laughter.]

Senator McCARTHY. I did not specialize on telling you. Did I ever tell you that, Mr. Secretary?

Secretary STEVENS. Senator, you wrote the letter of the 22d of December, which has been referred to at length, but unfortunately these questions about Private Schine went on both before and after the letter.

Senator McCARTHY. Did you answer the letter?

Secretary STEVENS. No.

Senator McCARTHY. At the time that you received that letter, I told you not to give any special consideration to this private and no matter what you did in the private's case it could not possibly affect the work of this committee. Did you think I was not telling you the truth at that time, that was—

Secretary STEVENS. All I know is what happened thereafter.

Senator McCARTHY. At the time you received the letter, did you feel that I was telling you the truth? Was that in line with what I had told you previously?

Secretary STEVENS. I felt, Senator, that maybe you were a little bit concerned about some of the things that had gone before.

Senator McCARTHY. Did you think I wanted some special consideration when I wrote you that letter? Did I not make it very clear to you, Mr. Secretary, that nothing you could do for or against one private in the Army would in any way affect our digging out of Communists in the military? Wasn't that made very, very clear to you?

Secretary STEVENS. I do not remember the exact wording of the letter. There is something in there about it, as I recall.

Senator McCARTHY. Let me read it. I say:

Let me repeat what I have said to you before, that the course of this investigation will in absolutely no way be influenced by the Army's handling of the case of any individual, regardless of whether he worked for my committee or not.

Is there any question about that language in your mind?

Secretary STEVENS. No. The language is clear.

Senator McCARTHY. You mentioned some time ago—let me ask you this, also, first: In answer to Mr. Jenkins' question, you said that you felt that Mr. Cohn was speaking for the committee when he made what you called threats. You said there was a threat, a declaration of war at Fort Monmouth.

Secretary STEVENS. That is right.

Senator McCARTHY. You and I, after we left Mr. Cohn outside, went through the laboratory, did we not?

Secretary STEVENS. Yes, sir.

Senator MUNDT. The Senator's time has expired. We will go around the wheel again.

Mr. JENKINS. I pass.

Senator MUNDT. I pass.

Senator McClellan?

Senator McCLELLAN. I pass.

Senator MUNDT. Senators to my right? All Senators to my left?

Senator SYMINGTON. No questions, Mr. Chairman.

Senator MUNDT. Mr. Welch?

Mr. WELCH. I pass.

Senator MUNDT. Senator McCarthy?

Senator McCARTHY. Mr. Stevens, as we walked through the laboratories, we discussed what was the apparent irritation on Mr. Cohn's part because he was excluded, did we not?

Secretary STEVENS. I think I became more aware of Mr. Cohn's irritation after I came out of the lab than I did before I went in.

Senator McCARTHY. You and I talked with Mr. Cohn about this, did we not?

Secretary STEVENS. I do not recall if we did, Senator.

Senator McCARTHY. Didn't I explain to you, Mr. Secretary, that after he had been invited down there to look over the installation, he being my chief counsel, having been the principal prosecutor in the Rosenberg case, one of the lawyers in the Remington case, and one of the principal lawyers in the prosecution of the 11 Communists, that he had single-handedly presented the Communist cases to the U. N. and had gotten a presentment pointing out the infiltration of Communists in the Government in the U. N. from the grand jury, that while he was doing that he obviously had to have the topmost secret clearance insofar as all Justice Department records were concerned, and that therefore it was quite an insult to him to make him stand outside the door cooling his heels after he was invited down to inspect the laboratories?

I told you that I thought you had made a mistake, but I said, "Just forget about it, Bob, it will work out all right." You and I agreed that it was a mistake to keep him out, but that Roy would not carry his irritation long, and actually by the time lunchtime came around you and Mr. Cohn were ribbing each other and, as I recall, didn't he tell you that he hoped the day would come that he would have the same privileges to get into the laboratories as the security risks that you were suspending were having? I know that is a long question, but isn't that substantially a quick résumé of the conversation we had that day?

Secretary STEVENS. Not in my recollection.

Senator McCARTHY. In what way have I deviated?

Secretary STEVENS. Well, you have said a great many things, Senator, in there that I don't recall having been said at all. I did not agree that Roy Cohn should have been let in the laboratory. And I think that the decision that I made on the spot, which was a difficult one, and I had no desire to offend anybody, but when I decided that we would let in the people—only those who had been elected by the people of the United States to the Senate or the House, I think I made a correct decision.

Senator McCARTHY. Mr. Stevens, I am not questioning whether you made a correct decision. I don't think it is momentous as to whether or not Mr. Cohn went through the laboratories that day. I think that is completely unimportant. The point is that you have charged here as part of the pressure in the Schine case, charged threats were made in connection with Fort Monmouth. I have been trying to find out what connection that had with David Schine. The charges started out—

sought to obtain special preferential treatment for one Pvt. G. David Schine in that—

and then you give the reasons—

in that on or about October 20, 1953, and on other occasions Mr. Cohn made threatening and violent statements to Mr. Adams and others concerning future

investigations by the subcommittee, of the Army, and exerted his influence over Senator McCarthy, released to the newspapers a statement intended to be derogatory to the Army.

You still maintain, I understand, that this had to do with Private Schine, this exclusion of Mr. Cohn from the laboratories? Is that correct?

Secretary STEVENS. I contend that the incident at Fort Monmouth was part of a pattern.

Senator McCARTHY. And you think it had something to do with Private Schine?

Secretary STEVENS. Yes, sir.

Senator McCARTHY. Did you bring the Zwicker affidavit today?

Secretary STEVENS. We have a copy of it here.

Senator McCARTHY. Would you hand that up, Mr. Secretary? It has been ordered produced by the Chair. Before you do, will you look at it and tell me whether it is sworn to?

Secretary STEVENS. Yes, it is.

Senator McCARTHY. And who administered the oath?

Secretary STEVENS. George M. Gallagher, first lieutenant.

Senator McCARTHY. And where is George M. Gallagher located?

Secretary STEVENS. Well, at the time this was taken, I assume it was at Camp Kilmer.

Senator McCARTHY. I missed that. I am sorry.

Secretary STEVENS. I say at the time this affidavit was taken, I assume it was taken at Camp Kilmer, where General Zwicker is the commanding general.

Senator McCARTHY. Would you hand that up to the Chair?

What are you marking on it, Mr. Secretary? Are you declassifying it?

Secretary STEVENS. Yes, sir.

(Document handed to chairman.)

Senator McCARTHY. I think the Chair will recall I made the request yesterday that that affidavit be compared to the sworn testimony. If there is any serious deviations, I think both the affidavit and the testimony should go to the Justice Department.

Senator MUNDT. The counsel will make the proper examination of these two documents.

Senator McCARTHY. Mr. Stevens, the other day you were asked about the Inspector General's report in the case of a fifth-amendment Communist called Peress. Have you checked to see when that IG report would be available?

Secretary STEVENS. The IG report has now been finished, Senator McCarthy, and the Inspector General is prepared to go over it with me at the first available opportunity that I have.

Senator McCARTHY. And how soon will that be submitted to Mr. Jenkins or the Chair?

Secretary STEVENS. We don't submit the Inspector General reports. We will give you the pertinent information that I mean to give you and that we can give you, but we do not submit the report.

Senator McCARTHY. You say you do not submit Inspector General reports?

Secretary STEVENS. That is right. It is a general policy.

Senator McCARTHY. How about the Inspector General report you submitted on David Schine?

Secretary STEVENS. We didn't submit a report on David Schine, as far as I know.

Senator McCARTHY. You did not?

Secretary STEVENS. I mean—

Senator McCARTHY. May I ask the Chair, did we not receive the report?

Senator MUNDT. The counsel will have to answer that question.

Mr. JENKINS. I am sure we have not.

Senator McCARTHY. In other words, that IG report on Schine is not available either?

Secretary STEVENS. I don't think there is an IG final report available on that. There is a lot of material which has been used, but I think has been made available to the committee.

Senator McCARTHY. There was an Inspector General's investigation of Mr. Schine, is that right?

Secretary STEVENS. That is right, by the Inspector General at Fort Dix.

Senator McCARTHY. And do you know upon whose request that was commenced?

Secretary STEVENS. On whose request?

Senator McCARTHY. Yes.

Secretary STEVENS. No, sir, I don't know right now.

Senator McCARTHY. You have no idea?

Secretary STEVENS. I think it was General Ryan, probably.

Senator McCARTHY. Was that IG report leaked to anyone by Mr. Adams, such as the other report here we have was leaked ahead of time?

Secretary STEVENS. I doubt if Mr. Adams has ever seen it, but he can testify on it.

Senator McCARTHY. The thing that intrigues me is the fact that Mr. Schine was ordered not to discuss the report, told that he couldn't tell the committee what was in the allegations and denied counsel, of course, also. Then I pick up a pink sheet from New York and I find that the allegations are contained in that almost verbatim. For example, that he was charged with having walked in front of a jeep instead of behind a jeep one time, in violation of the rules.

Senator MUNDT. May the Chair—perhaps he misunderstood the Senator. Are you referring to Private Schine being before our committee and being denied counsel?

Senator McCARTHY. No, denied counsel when the Inspector General called him and interrogated him.

Senator MUNDT. I thought that is what you meant. I wanted the record clear that he was not denied counsel here.

Senator McCARTHY. I think there is no doubt about the fact that the Chair gave Mr. Schine all the rights he had before the committee.

Then, Mr. Stevens, continuing this, as I say, the reason I am interested in your statement that you don't make the reports available, this pink sheet from New York listed the allegations against him. As I say, he had walked ahead of a jeep one day, that he was parked in front of it instead of behind it.

I don't know if that was a result of our influence or all. Also, that he had shined his shoes downtown and paid for it, instead of shining them himself, and things along that line. Can you tell us how that IG report got into the hands of newspapers?

Secretary STEVENS. I think—I don't know. Of course, I don't know what the dates are that are involved or what the paper is you are referring to, but I would imagine that that article probably came out maybe before the IG report was even started. I don't know.

Senator McCARTHY. Mr. Stevens, yesterday I handed you a list of seven names. I asked at that time that they not be made public because some of those men named may be able to prove that they are completely honest, loyal Americans. They had been subpoenaed or rather ordered to appear because of their Communist connections and background.

Senator MUNDT. Senator, your time has expired.

Senator McCARTHY. I am sorry.

Senator MUNDT. Mr. Jenkins?

Mr. JENKINS. I pass.

Senator MUNDT. The Chair passes.

Senator McClellan?

Senator McCLELLAN. Pass.

Senator MUNDT. Senators to my right?

To my left?

Mr. Welch?

Mr. WELCH. Pass.

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. I handed you a list of names, Mr. Secretary. In view of the fact that you said you wanted your Department to take over this matter and investigate, can you tell us what progress has been made insofar as the seven are concerned? I wish you wouldn't name them at this time.

Secretary STEVENS. There were six on the list that you handed me.

Senator McCARTHY. Were there only six?

Secretary STEVENS. And of the 6, 4 were out of the Army before you took their names up with us; the other 2 have been under surveillance for 2 months and investigated while final determination was being made with respect to them.

Senator McCARTHY. When were the four removed? Was that after our investigation started?

Secretary STEVENS. Before you asked for the names.

Senator McCARTHY. Did you get the question? We had discussed those six or seven with you and Mr. Adams over a period of time. The question is were they removed after the investigation started?

Secretary STEVENS. So far as I know, they were removed before we had any conversation with your committee on that subject.

Senator McCARTHY. Could you give us the dates?

Secretary STEVENS. I don't have them here, but I could get them for you.

Senator McCARTHY. You said they were removed before you had any conversation on that subject.

Secretary STEVENS. I don't make that as a statement of fact. That is as far as I know.

Senator MUNDT. The Chair suggests that the Secretary has agreed to put in the record the dates on that, and that answers the question clearly.

Secretary STEVENS. We will put them in, if we may, on form of Mr. X, Y, Z.

Senator MUNDT. That is quite all right. We are not asking for the names. X, Y, Z and one more because there is one more of them.

Senator McCARTHY. You haven't answered my question completely, Mr. Stevens. I asked you whether or not they were removed after our investigation started. You said you thought they were removed before there were any conversations with regard to it.

Will you go back to my question: Were they removed after our investigation of Communist infiltration of the Army was commenced?

Secretary STEVENS. Oh, yes.

Senator McCARTHY. They were?

Secretary STEVENS. Definitely, but as far as I know these cases were handled in the manner I have outlined prior to receipt of any request or information from you in these cases.

Senator McCARTHY. Can you tell us whether they are now in suspension or whether final action has been taken?

Secretary STEVENS. Final action on the four.

Senator McCARTHY. There has been final action?

Secretary STEVENS. Correct.

Senator McCARTHY. Mr. Stevens, there was a board called the Loyalty Security Screening Board in your office when you took office, right?

Secretary STEVENS. That is right.

Senator McCARTHY. How many people were on it, some 25 or 30?

Secretary STEVENS. Yes, something on that order.

Senator McCARTHY. Normally how many would sit on any individual case?

Secretary STEVENS. Usually about three.

Senator McCARTHY. About three. So a man's turn might not come up for 3, 4, or 5 or 6 months to be called to sit in any particular case; is that right?

Secretary STEVENS. Yes. It just depends on what the amount of work at any given time is, Senator.

Senator McCARTHY. This was the board upon which the Mr. X that we were discussing the other day was sitting, right?

Secretary STEVENS. That is right.

Senator McCARTHY. I notice from your dates which you or Mr. Adams gave us that he had sat on loyalty cases, he sat on an average of once every 5 or 6 months. Is that the normal picture, would you say?

Secretary STEVENS. I would have to check that up, Senator McCarthy.

Senator McCARTHY. You wouldn't know that.

Mr. Stevens, again I ask these questions because of the fact that you brought up the charges and not because I attach any special significance to them.

One of the charges, according to the information, is that Mr. Schine had his shoes commercially polished. Do you think that was a result of influence by the committee?

Secretary STEVENS. No, sir.

Senator McCARTHY. Another one is that he wore special gloves or mittens. Do you recall that we ever called or anyone ever called and asked that he be allowed to wear a glove that he bought himself, with the fingers separate from the rest of it?

Secretary STEVENS. I don't know anything about it, Senator.

Senator McCARTHY. Another is that in riding back from the firearms range on one occasion he got into the cab and rode with the driver. Do you think that was the result of any special pressure on the part of Mr. Cohn?

Secretary STEVENS. I do not know. I know nothing about the cases you are bringing up.

Senator McCARTHY. You certainly do not think it was, do you? This investigation was to determine whether or not Mr. Schine got special consideration as a result of pressure by this committee. I am now listing some of the charges and asking you whether or not you feel that this was the result of any special consideration on the part of the committee.

Secretary STEVENS. I know nothing about the instances that you are talking about. I do know something about 65 telephone calls and 19 meetings about it.

Senator McCARTHY. Do you think it improper—in view of the fact that you picked Mr. Schine up in the middle of an investigation, do you think it was improper for him to work evenings on reports? Do you think it was improper when certain questions came up about witnesses interviewed by Mr. Schine that someone—let me finish—on the committee would call Mr. Schine and ask him for information? Did you think that improper?

Secretary STEVENS. If he did what he was supposed to be doing under the exception that I have outlined, it would not be improper.

Senator McCARTHY. Do you know what his rating was when he finished? Did he not finish with a rating "Excellent" or something like that?

Secretary STEVENS. I think not.

Senator McCARTHY. Do you know what the rating was?

Secretary STEVENS. No, I do not. I know this much in general: that the rating at Fort Dix was not particularly good. It was very much improved at Camp Gordon.

Senator McCARTHY. How do you rate them at Fort Dix? Do you use the old 4.0 rating or a different type of rating?

Secretary STEVENS. I think General Ryan, who is here, could testify a lot better than I could on that, Senator.

Senator McCARTHY. Do you know that when he graduated from the second 8 weeks his commanding officer said—I cannot quote him—that he was an outstanding soldier or something to that effect?

Secretary STEVENS. I saw that in the paper, yes, sir.

Senator McCARTHY. Getting back to this—incidentally, that commanding officer has not been removed yet, has he?

Secretary STEVENS. No, sir.

Senator McCARTHY. Mr. Stevens, in view of the seriousness that you attach to this matter of G. David Schine, did you personally examine the Inspector General's report to see what special consideration he got?

Secretary STEVENS. Did I? No, sir; I have not.

Senator McCARTHY. The other day you or someone mentioned the fact that he had made three or four phone calls to a girl friend. Is that unusual for a private in the Army?

Secretary STEVENS. You said I said that?

Senator McCARTHY. Somebody testified that he made a number of calls to a girl friend. That is in the testimony by either you or your witnesses. Would you consider that unusual for a private in the Army?

Secretary STEVENS. I do not have any knowledge of this—

Senator McCARTHY. I am curious to know how—

Secretary STEVENS. I see nothing wrong in a soldier calling up his girl friend.

Senator McCARTHY. It would not take any special consideration by a Senate committee?

Secretary STEVENS. As long as he did it at the proper time and it did not interfere with his training.

Senator McCARTHY. Of course it would not take any special intervention by a Senate committee to allow him to call a girl friend, would it?

Secretary STEVENS. Senator, I think, as I have indicated, I do not know the detail of these little instances you are bringing up.

Senator McCARTHY. That is one of the statements that has been made.

Mr. JENKINS. Senator McCarthy, in all fairness to the witness, I think a false impression was left. I recall that the witness was asked that question. There was no testimony of that fact. The witness, Mr. Stevens, made the reply that he had no knowledge of it. I think that is true.

Senator McCARTHY. May I say that counsel is wrong?

Mr. JENKINS. It could be. I have been wrong before.

Senator McCARTHY. That is in the record.

May I say, Mr. Secretary, I am not asking these questions because I think it is a matter of life and death because a private walked in front of a jeep instead of behind it or because he called his girl friend, but these matters have been brought up by your Department and I am curious to know why they are important.

May I ask you this: You attached a great deal of importance to the Schine case, apparently. Is it true that you have never examined the Inspector General's report on Schine to determine what special consideration he received?

Secretary STEVENS. That is right.

Senator McCARTHY. Mr. Cohn, would you proceed with the examination?

Mr. COHN. I have a number of matters. Mr. Stevens, we are having a meeting this afternoon about some of these monitored phone calls and before we have that I think there are a few matters we ought to clear up with you, sir, if we may.

By the way, first of all, were telephone calls from Fort Dix monitored? Was there a local Mr. Lucas down there, as far as you know?

Secretary STEVENS. I don't know.

Mr. COHN. I see.

Now, you—

Senator McCARTHY. I wonder if you would turn to General Ryan and get that information for us, if that is proper, Mr. Chairman.

Secretary STEVENS. If we can put on the witnesses who can testify as of their own knowledge, I think we will get along much better.

Senator McCARTHY. All right.

Mr. COHN. Mr. Secretary, I believe you told us now that the telephone calls monitored by Mr. Lucas were not all, that he did not monitor telephone calls from your family, and I believe you said that White House calls were not monitored; is that correct?

Secretary STEVENS. That is right.

Mr. COHN. In other words, sir, you felt it was proper to monitor calls from people elected to the United States Senate but it was not proper to monitor calls from people connected with the White House or other parts of the executive?

Secretary STEVENS. I simply left in effect, as I have testified, the exact pattern of operation that I found when I took over the office. I made no change whatsoever.

Mr. COHN. I don't know whether you understand my question, sir. The question was this: I can only ask you about your administration. During your administration have you felt it was proper to monitor calls with people elected, Senators elected by the people, to the United States Senate, but that it was improper to monitor calls with people working in the White House or in the executive branch?

Secretary STEVENS. Frequently when one has a call from a Senator, there is something—there is some information needed or something of that kind. That is the purpose, as I explained very carefully at the outset, Mr. Cohn, when it is to expedite the work for the Senator. That is the reason that Mr. Lucas has been on the phone—

Senator MUNDT. Your time has expired, Mr. Cohn.

Mr. Jenkins?

Mr. JENKINS. Mr. Chairman, I have a question to ask Senator McCarthy.

Senator MUNDT. Senator McCarthy, the counsel has a question in connection with this document.

Mr. JENKINS. Senator, you passed me an affidavit or a copy of an affidavit of February 20, 1954, of General Zwicker, and you made some request of me and I was busy and I have asked the chairman what the request was and he is unable to enlighten me on the subject. Will you tell me what I am to do with this affidavit?

Senator McCARTHY. Certainly.

Senator MUNDT. It is embarrassing. The Chair did not know just what it was, Senator McCarthy.

Senator McCARTHY. Mr. Chairman, let me give that some thought, will you?

Senator MUNDT. He is deferring his answer.

Senator McCARTHY. Mr. Chairman, seriously the affidavit is an affidavit sworn to by Mr. Zwicker. It is one that has had some circulation, I don't know how much. I have asked for it previously. What I wanted the counsel to do, if he would, would be to compare the statements in the affidavit with the sworn testimony in the record, and if there is any major deviation, that then both be submitted to the Justice Department.

Senator McCLELLAN. Mr. Chairman?

Senator MUNDT. Does that answer your question?

Mr. JENKINS. That is entirely clear as to what I am to do.

Senator McCLELLAN. Mr. Chairman, a point of order, Mr. Chairman, for a motion. If that is a committee document, if it is made such, then I move that it be referred to the Attorney General along with the sworn testimony, so that the Attorney General may perform such services and duties as become incumbent upon him.

Senator MUNDT. Are you raising a question of security clearance?

Senator McCLELLAN. Not of security clearance. I understood when the Senator first mentioned it, he was talking about the possibilities of perjury. If I am mistaken, all right. But if it is indicated that there is possible perjury by reason of what is in the affidavit and what is in the sworn testimony at that hearing, then it properly should go to the Attorney General.

Senator MUNDT. May the Chair state if the documents are admitted to the record, it will be part of the full set of hearings going to the Attorney General. He now gets all of our hearings as rapidly as the committee members get them. Any further questions, Mr. Jenkins?

Mr. JENKINS. I pass.

(The above-mentioned affidavit was marked "Exhibit No. 17" and will be found in the appendix on p. 895.)

Senator MUNDT. Senators to my right? Senators to my left?

Senator JACKSON. I wonder in connection with the 6 alleged Communists or 7 that were referred to by Mr. Cohn yesterday, if you could state whether these people are civilian employees or officers or draftees or what are they?

Secretary STEVENS. They were—

Senator JACKSON. What were they?

Secretary STEVENS. There was 1 officer and 5 enlisted men, either 4 or 5 of which came from the selective service.

Senator JACKSON. What was the rank of the officer personnel, do you know?

Secretary STEVENS. A first lieutenant.

Senator JACKSON. What were the others?

Secretary STEVENS. The others, as I recall, were all privates.

Senator JACKSON. Draftees?

Secretary STEVENS. Yes, sir.

Senator JACKSON. That is all.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. I have no questions, Mr. Chairman.

Senator MUNDT. Mr. Welch?

Mr. WELCH. I guess my question would be directed to the Senator. It is 12:30. Is it the Senator's intention to finish or not?

Senator MUNDT. Senator McCarthy is not a witness. He does not have to answer that question.

Senator McCARTHY. I think I can answer that. May I say, Mr. Chairman, I had sincerely hoped we would have finished this before noon. As the Chair knows, much time has been taken up by others than myself, and rightly so. They have an absolute right to do that. I think the witness' answers have been rather lengthy. I would have perhaps, at the most, 20 minutes of questioning myself at this time. Mr. Cohn has some. I think if we would stay on for another hour or hour and a half we should be able to finish.

Senator SYMINGTON. Mr. Chairman, a point of order. Debates on the Taft-Hartley bill has started, we understand, from a quorum call, by the clerk of the committee. I move we recess this hearing now as it is 12:30 in order that we can go to the floor with respect to the Taft-Hartley bill.

Senator MUNDT. The previous motion which has prevailed, I will state for the benefit of those who may have come in late, was that when we recess today on account of the vote being held on the Taft-Hartley bill this afternoon, we will recess until 10:30 Monday morning. Without objection, we stand in recess, then, until 10:30 Monday morning.

(Whereupon, at 12:30 p. m., the committee was recessed, to reconvene at 10:30 a. m., Monday, May 10, 1954.)

APPENDIX

EXHIBIT No. 17

CONFIDENTIAL

(Declassified)

HEADQUARTERS, CAMP KILMER,
OFFICE OF THE COMMANDING GENERAL,
New Brunswick, New Jersey, February 20, 1954.

AFFIDAVIT

Brigadier General Ralph W. Zwicker, being first duly sworn deposes and says: The following is a factual statement to the best of my recollection and belief of the circumstances surrounding my testimony before the Senate Investigating Subcommittee of which Senator McCarthy is Chairman.

As directed by the Secretary of the Army, I was present in Room 110 of the Federal Court Building, New York City, New York, at 10:30 A. M., 18 February 1954, for the purpose of appearing before the Senate Investigating Subcommittee, Senator McCarthy Chairman. I was not called during the opening session in the morning, but was called at approximately 1630 hours that afternoon. This session was executive and closed. In spite of this, there were three ladies and two gentlemen permitted to listen to testimony, as well as Mr. Adams and Mr. Haskins, counselors to the Secretary of the Army, myself, Lt. Colonel Brown, my G-2, Captain Woodward, a medical officer from Camp Kilmer, and my aide Second Lieutenant Smith.

Lt. Colonel Brown, G-2, Camp Kilmer, followed several civilian witnesses to the stand, was sworn, and started to give his testimony. At the first instance of his declining to answer a question put by Senator McCarthy on the ground that he was prohibited from so doing by Change 1, AR 380-10, Senator McCarthy ordered the Committee Room to be cleared of all persons except the witness, Lt. Colonel Brown. This was done.

I was called as a witness immediately after Lt. Colonel Brown was excused. Senator McCarthy's directive relative to persons permitted in the Committee Room was still in force, and, under this directive, I was denied counsel. However, I did not specifically request counsel. Sitting with me at the counsel table was Captain Woodward, Medical Officer from Camp Kilmer, who had asked and was granted permission to be there because I had not been feeling too well for the past few days. I told Senator McCarthy that I know of no reason why the medical officer should be present with me if he, the Senator, objected in any way. He did not object.

I was placed under oath by Senator McCarthy and was interrogated at length by counsel for the Committee and by Senator McCarthy on aspects of the Peress case. In addition, I was directed to answer questions relative to hypothetical situations. One of these hypothetical cases, as presented by Senator McCarthy, dwelt on what action I would take if the day before a soldier were to be discharged from the service I was informed that this soldier had broken into a store in New Brunswick and stolen fifty dollars. My reply was that this man would not be discharged until I was satisfied either as to his guilt or innocence. The Senator then compared this hypothetical case with the Peress case and asked why since I knew Peress to be a communist and was aware of his nefarious dealings with the communist conspirators, I did not prevent his discharge on February 2, 1954. I replied that I had no proof available to me that Peress was a communist and that Peress's discharge was executed strictly under the directive I had received from the Department of the Army and in accordance

therewith. A copy of this letter directive was in the hands of the Committee. The Senator then posed another hypothetical question in substance as follows: If General John Smith was aware that Major Doe was a proven communist, and the General, in spite of having read the press releases and being familiar with his case, and knowing that this officer was a communist conspirator, permitted his discharge, did I not think that the General should be tried and himself separated under dishonorable conditions from the service. Since I considered that this was an irrelevant question I replied that I didn't believe I could give a constructive answer: However, upon being directed by Senator McCarthy to either answer the question or "seek refuge in the Fifth Amendment", I answered it in the negative.

The Senator then stated that I was unsuitable as an Army officer, that I was shielding traitors and communist conspirators, and that he was not going to stand for answers of a nature I had given to him. He asked, I believe, two other questions to which I respectfully declined an answer under the directive as expressed in Change 1, AR 380-10. The Senator further stated that I was a disgrace to the uniform, that he couldn't understand how the Army would ever select a person like me to be a general officer, and indicating that he was certainly going to see to it that the Army does something about it. He told me that I was either stupid or deliberately trying to protect communist conspirators. At least twice during the Senator's aforementioned statements I objected strenuously to any implication that I was lying, trying to protect communists, or that I was a disgrace to my uniform. Senator McCarthy ordered me to contact the Department of the Army and obtain a release permitting me to tell his Committee any and all facts, classified or otherwise, relative to the Peress case. I respectfully declined to do this. The Senator then in a threatening manner again ordered me to do this. I replied, "I refuse to do this," (under the provisions of the same executive order which directs that information of this nature must be requested in writing from the Executive Department of our Government by the person requesting it).

Senator McCarthy then directed me to appear before a public hearing of his Committee to be held at 10:30 A. M. Tuesday, February 23, at the U. S. Court-house, New York City, and said to me in effect, "I want the public to see just what kind of incompetent persons the Army has in its officer corps." He then dismissed me as a witness. (I remained in the room during the time he held his press conference.)

During all of the proceedings of the above mentioned hearing a Stenotype reporter was present and appeared to be recording everything said, verbatim.

RALPH W. ZWICKER,
Brigadier General, USA, Commanding.

Subscribed and sworn to before me this 20th day of February 1954.

GEORGE M. GALLAGHER,
1st Lt., AGC, Asst Adj Gen.

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